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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,006	05/04/2001	George Nelson Bliss	17306/101	1810

26646 7590 07/30/2004

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NEW YORK, NY 10004

EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,006

Applicant(s)

BLISS ET AL

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004 and 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5, 6, 9, 10, 14, 15, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 5, 6, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's proposed amendment after final, filed June 9, 2004, and the arguments with respect to claims 5,6,9,10,14,15,21, and 22 have been considered. The arguments are persuasive in light of the proposed amended claims. Note that applicant canceled claims 1-4, 7, 8, 11-13,16-20, 23, and 24. However, claims 5,6,14, and 15 are moot in view of the new ground(s) of rejection. Claims 5,6,14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by the Soviet Union Patent (SU 537-926) (see the attached PTO-892), or the Canadian Patent (CA 197,808) (see the attached PTO-892), or Shadle (3,614,151) (see the attached PTO-892) whereas claims 9,10,21, and 22 are allowed. Due to a new ground of rejection on the proposed claims 5,6,14, and 15 (which are previously objected in the final rejection mailed October 3, 2003), the finality of the office action has been withdrawn and PROSECUTION IS HEREBY REOPENED. The proposed amendments filed March 15, 2004, and June 9, 2004, have been entered in the application. Therefore, a non-final office action follows as below.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5,6,14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by **the Soviet Union Patent (SU 537-926)** (see the attached PTO-892).

The Soviet Union Patent (SU 537-926) discloses an apparatus for gripping and releasing one item, comprising a pickup head (1); at least one gripping plate (4,5), a restraining

device (2) corresponding to each gripping plate (4,5), the restraining device being configured to connect the corresponding gripping plate to the pickup head so that the gripping plate is movable relative to the pickup head between *an open position and a closed position*, an end of the gripping plate (4,5) being displaced substantially inwardly by the restraining device when the gripping plate moved from the open position to the closed position, the restraining device being further configured to permit the gripping plate to be movable relative to the pickup head in at least one degree of freedom when the gripping plate is being moved from the closed position to the open position, and an actuation device (3) configured to move the at least one gripping plate between the open position and the closed position, and further comprising at least one biasing element (6) corresponding to each gripping plate (4,5), the at least one biasing element urging the corresponding gripping plate in a direction in accordance with the at least one degree of freedom.

Re claims 6 and 15, the Soviet Union Patent (SU 537-926) further shows that the at least one biasing device includes at least one spring element (6).

4. Claims 5,6,14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by the **Canadian Patent (CA 197,808)** (see the attached PTO-892).

The Canadian Patent (CA 197,808) discloses an apparatus for gripping and releasing one item, comprising a pickup head (11) (Fig. 2); at least one curved gripping plate (49) (Page 4, lines 24-28), a restraining device (40) corresponding to each gripping plate (49), the restraining device being configured to connect the corresponding gripping plate to the pickup head so that the gripping plate is movable relative to the pickup head between *an open position and a closed position*, an end of the gripping plate (49) being

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displaced substantially inwardly by the restraining device (40) when the gripping plate moved from the open position to the closed position, the restraining device being further configured to permit the gripping plate to be movable relative to the pickup head in at least one degree of freedom when the gripping plate is being moved from the closed position to the open position, and an actuation device (60) configured to move the at least one gripping plate between the open position and the closed position, and further comprising at least one biasing element (70) (see Fig. 2) corresponding to each gripping plate (49), the at least one biasing element urging the corresponding gripping plate in a direction in accordance with the at least one degree of freedom.

Re claims 6 and 15, the Canadian Patent (CA 197,808) further shows that the at least one biasing device includes at least one spring element (70) (see Fig. 2).

5. Claims 5,6,14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Shadle (3,614,151) (see the attached PTO-892).

Shadle (3,614,151) discloses an apparatus for gripping and releasing an object (11), comprising a pickup head (23) (Figs. 2 and 7); at least one gripping plate (32), a restraining device (30,31) (Figs. 1 and 2) corresponding to each gripping plate (32), the restraining device being configured to connect the corresponding gripping plate to the pickup head so that the gripping plate is movable relative to the pickup head between *an open position and a closed position*, an end of the gripping plate (32) being displaced substantially inwardly by the restraining device (30,31) when the gripping plate moved from the open position to the closed position, the restraining device being further configured to permit the gripping plate to be movable relative to the pickup head in at least one degree of freedom when the gripping plate is being moved from the closed

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position to the open position, and an actuation device (70) configured to move the at least one gripping plate between the open position (see Fig. 7) and the closed position (Fig. 2), and further comprising at least one biasing element (67) (see Figs. 4,5, and 7) corresponding substantially to the gripping plate (32), the at least one biasing element urging the corresponding gripping plate in a direction in accordance with the at least one degree of freedom (see Figs. 2 and 7).

Re claims 6 and 15, Shadle (3,614,151) further shows that the at least one biasing device includes at least one spring element (67) (see Figs. 2 and 7).

***Allowable Subject Matter***

6. Claims 9,10,21, and 22 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 5,6,14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fassler (5,201,501), Jones et al. (5,092,731), and Reinders (4,236,744) show a biased spring to urge the gripping plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ptc

PTC  
July 22, 2004